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10/654,968	09/05/2003	Frank Godeby	11884/408301	7781

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER

MORRISON, JAY A

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/654,968	Applicant(s) GODEBY ET AL.	
	Examiner Jay A. Morrison	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

Applicants' arguments filed on 6/52/06. Claims 1-51 are pending for examination.

Amendments to the specification have been acknowledged and accepted.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11,19-32,40-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims do not recite a practical application by producing a physical transformation or producing a useful, concrete, and tangible result. To perform a physical transformation, the claimed invention must transform an article or physical object into a different state or thing. Transformation of data is not a physical transformation. A useful, concrete, and tangible result must be either specifically recited in the claim or flow inherently therefrom. To be useful the claimed invention must establish a specific, substantial, and credible utility. To be concrete the claimed invention must be able to produce the same results given the same initial starting conditions. To be tangible the claimed invention must produce a practical application or real world result. In this case the claims fail to perform a physical transformation because the claims are directed to operating on data. The claims are useful and concrete, but they fail to product a tangible result because the result is

neither stored in a computer readable medium nor made tangible by, for example, reporting the result to a user.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2-5,8,10,12-16,19,22-26,29,31,33-37 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kucala (Publication Number US2001/0016853 A1).

As per claim 1, Kucala teaches

“receiving information identifying data sources to be reconciled” (paragraphs [0014] and [0015], whereas Kucala's reference to palmtop and PC versions of files is equivalent to the claimed information identifying data sources);

“retrieving data from a first data source based on a dynamic link identifying data in the first data source; retrieving data from a second data source based on a dynamic link identifying data in the second data source” (paragraphs [0023] and [0024], whereas

Kucala's using key contents and palmtop and PC file records with identical field order and names not necessary is equivalent to the claimed retrieving data from sources based on dynamic link);

"processing a first portion of a reconciliation rule" (paragraph [0024], whereas Kucala's palmtop file record translation or conversion is equivalent the claimed processing first portion of reconciliation rule) "using the retrieved data from the first data source" (paragraph [0024], whereas Kucala's palmtop file record is equivalent to the claimed data from first data source) "to generate a first result" (paragraph [0024], whereas Kucala's palmtop file format in format where record can be compared is equivalent to the claimed generated first result);

"processing a second portion of the reconciliation rule" (paragraph [0024], whereas Kucala's PC file record translation or conversion is equivalent the claimed processing second portion of reconciliation rule) "using the retrieved data from the second data source" (paragraph [0024], whereas Kucala's PC file record is equivalent to the claimed data from second data source) "to generate a second result" (paragraph [0024], whereas Kucala's PC file format in format where record can be compared is equivalent to the claimed generated second result);

"comparing the first result with the second result" (paragraph [0024], whereas Kucala's format where records compared is equivalent to the claimed comparing first with second results);

"and confirming that data in the first data source is reconciled with the data in the second data source if the first result matches the second result" (paragraph [0018],

whereas Kucala's PC and palmtop files are equivalent to the claimed first and second data sources and Kucala's unmodified records is equivalent to the claimed confirming if first and second results match).

As per claim 2, Kucala teaches

"adding a first selected portion" (paragraph [0017], whereas Kucala's merging palmtop file is equivalent to the claimed adding first selected portion) "of the retrieved data to generate the first result" (paragraph [0024], whereas Kucala's palmtop file format in format where record can be compared is equivalent to the claimed generate first result).

As per claim 3, Kucala teaches

"subtracting a second selected portion" (paragraph [0017], whereas Kucala's duplicate PC records filtered out is equivalent to the claimed subtracting second selected portion) "of the retrieved data to generate the first result" (paragraph [0024], whereas Kucala's palmtop file format in format where record can be compared is equivalent to the claimed generate first result).

As per claim 4, Kucala teaches

"adding a first selected portion" (paragraph [0017], whereas Kucala's merging palmtop file is equivalent to the claimed adding first selected portion) "of the retrieved data to generate the second result" (paragraph [0024], whereas Kucala's pc file format

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in format where record can be compared is equivalent to the claimed generate second result).

As per claim 5, Kucala teaches

“subtracting a second selected portion” (paragraph [0017], whereas Kucala's duplicate PC records filtered out is equivalent to the claimed subtracting second selected portion) “of the retrieved data to generate the second result” (paragraph [0024], whereas Kucala's pc file format in format where record can be compared is equivalent to the claimed generate second result).

As per claim 8, Kucala teaches

“the dynamic link identifying data in the first data source identifies a location of the data in the first data source” (paragraph [0023], whereas Kucala's index field is equivalent to the claimed dynamic link identifies location of data in source).

As per claim 10, Kucala teaches

“the dynamic link identifying data in the second data source identifies a location of the data in the second data source” (paragraph [0023], whereas Kucala's index field is equivalent to the claimed dynamic link identifies location of data in source).

As per claim 12,19,22,33 and 40

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected.

As per claims 13-16,23-26 and 34-37

These sets of claims are respectively rejected on grounds corresponding to the arguments given above for rejected claims 2-5 and are similarly rejected.

As per claims 29,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 8 and is similarly rejected.

As per claims 31,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 10 and is similarly rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 6-7, 17-18, 20-21, 27-28, 38-39, and 41-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kucala (Publication Number US2001/0016853 A1), as applied to claim 1 above, and further in view of Klein (Patent Number 5,404,509).

As per claim 6,

Kucala does not explicitly indicate “generating an indication that the data in the first data source is not reconciled with the data in the second data source if the first result does not match the second result.”

However, Klein discloses “generating an indication that the data in the first data source is not reconciled with the data in the second data source if the first result does not match the second result” (column 18, line 66 through column 19, line 3, whereas Klein’s noting discrepancies between image and database is equivalent to the claimed generation of indication that first data and second data results do not match).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Klein because using the steps “generating an indication that the data in the first data source is not reconciled with the data in the second data source if the first result does not match the second result” would have given those skilled in the art the tools to improve the invention by comparing the contents of data note any discrepancies. This gives the user the advantage of being able to find data that does not match.

As per claim 7,

Kucala does not explicitly indicate “generating a reconciliation report based on the first and second results.”

However, Klein discloses “generating a reconciliation report based on the first and second results” (column 18, line 66 through column 19, line 3, whereas Klein’s audit summary screen where discrepancies between image and database are noted is equivalent to the claimed generation of report based on first and second results).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Klein because using the steps “generating a reconciliation report based on the first and second results” would have given those skilled in the art the tools to improve the invention by comparing the contents of data note any discrepancies. This gives the user the advantage of being able to find data that does not match.

As per claim 17,21,27,38, and 42,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 6 and are similarly rejected.

As per claims 18,20,28,39, and 41,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 7 and are similarly rejected.

As per claim 43,

“retrieving a first set of data from a first data source using a first dynamic link and retrieving a second set of data from a second data source using a second dynamic link” (paragraphs [0017],[0024])”, wherein the first and second data sources are functionally independent and the first and second sets of data are generated as a result of the same transaction” (palmtop and pc, paragraph [0016]);

“forming a reconciliation equation comprising the first and second sets of data” (paragraph [0024]);

“evaluating the reconciliation equation” (translations or conversions, paragraph [0024]);

Kucala does not explicitly indicate “and outputting a reconciliation report based on evaluation of the reconciliation equation”.

However, Klein discloses “and outputting a reconciliation report based on evaluation of the reconciliation equation” (column 18, line 66 through column 19, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Klein because using the steps “and outputting a reconciliation report based on evaluation of the reconciliation equation” would have given those skilled in the art the tools to improve the invention by comparing the contents of data note any discrepancies. This gives the user the advantage of being able to find data that does not match.

As per claim 44,

“the first dynamic link identifies criteria for determining data of the first data source to include in the first set of data and the second dynamic link identifies criteria for determining data of the second data source to include in the second set of data” (backup files, paragraph [0016]).

As per claim 45,

“the first dynamic link specifies retrieval of the first set of data and the second dynamic link specifies retrieval of the second set of data” (paragraph [0023]).

As per claim 46,

“forming comprises specifying an operator of the reconciliation equation” (paragraph [0024]).

As per claim 47,

Kucala does not explicitly indicate “evaluating comprises: processing the first set of data to generate a first reconciliation result; and processing the second set of data to generate a second reconciliation result”.

However Klein discloses “evaluating comprises: processing the first set of data to generate a first reconciliation result; and processing the second set of data to generate a second reconciliation result” (column 18, line 66 through column 19, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Klein because using the steps “evaluating comprises:

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processing the first set of data to generate a first reconciliation result; and processing the second set of data to generate a second reconciliation result” would have given those skilled in the art the tools to improve the invention by comparing the contents of data note any discrepancies. This gives the user the advantage of being able to find data that does not match.

As per claim 48,

Kucala does not explicitly indicate “outputting comprises identifying portions of the first set of data that are not equivalent to corresponding portions of the second set of data”.

However, Klein discloses “outputting comprises identifying portions of the first set of data that are not equivalent to corresponding portions of the second set of data” (column 18, line 66 through column 19, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Klein because using the steps “outputting comprises identifying portions of the first set of data that are not equivalent to corresponding portions of the second set of data” would have given those skilled in the art the tools to improve the invention by comparing the contents of data note any discrepancies. This gives the user the advantage of being able to find data that does not match.

As per claim 49,

Kucala does not explicitly indicate “outputting comprises identifying portions of the first set of data that are equivalent to corresponding portions of the second set of data”.

However, Klein discloses “outputting comprises identifying portions of the first set of data that are equivalent to corresponding portions of the second set of data” (column 19, lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Klein because using the steps “outputting comprises identifying portions of the first set of data that are equivalent to corresponding portions of the second set of data” would have given those skilled in the art the tools to improve the invention by comparing the contents of data note any discrepancies. This gives the user the advantage of being able to find data that does not match.

As per claim 50,

Kucala does not explicitly indicate “outputting comprises providing further details on individual components of the first and second sets of data”.

However, Klien discloses “outputting comprises providing further details on individual components of the first and second sets of data” (column 19, lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Klein because using the steps “outputting comprises providing further details on individual components of the first and second sets of data” would have given those skilled in the art the tools to improve the invention by comparing

the contents of data note any discrepancies. This gives the user the advantage of being able to find data that does not match.

As per claim 51,

Kucala does not explicitly indicate "outputting comprises outputting the reconciliation report in accordance with user-defined preferences".

However, Klien discloses "outputting comprises outputting the reconciliation report in accordance with user-defined preferences" (column 19, lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Klein because using the steps "outputting comprises outputting the reconciliation report in accordance with user-defined preferences" would have given those skilled in the art the tools to improve the invention by comparing the contents of data note any discrepancies. This gives the user the advantage of being able to find data that does not match.

6. Claims 9,11,30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kucala (Publication Number US2001/0016853 A1), as applied to claims 1,8, and 10 above, and further in view of Lowell (Patent Number 5,341,476).

As per claim 9, Kucala teaches

"the dynamic link identifying data in the first data source further identifies" (paragraph [0023], whereas Kucala's group of index fields is equivalent to the claimed

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dynamic link further identifies) "...from the first data source" (paragraph [0022], whereas Kucala's palmtop is equivalent to the claimed first data source).

Kucala does not explicitly indicate "a routine to retrieve data"

However, Lowell discloses "a routine to retrieve data" (column 10, lines 3-23, whereas Lowell's read data function is equivalent to the claimed routine to retrieve data).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Lowell because using the steps "a routine to retrieve data" would have given those skilled in the art the tools to improve the invention by reducing the overhead of tracking which modules supply data to other modules. This gives the user the advantage of using dynamic modules that can be determined at run-time.

As per claim 11, Kucala teaches

"the dynamic link identifying data in the second data source further identifies" (paragraph [0023], whereas Kucala's group of index fields is equivalent to the claimed dynamic link further identifies) "...from the second data source" (paragraph [0022], whereas Kucala's PC is equivalent to the claimed second data source).

Kucala does not explicitly indicate "a routine to retrieve data"

However, Lowell discloses "a routine to retrieve data" (column 10, lines 3-23, whereas Lowell's read data function is equivalent to the claimed routine to retrieve data).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kucala and Lowell because using the steps "a routine to retrieve data" would have given those skilled in the art the tools to improve the invention by reducing the overhead of tracking which modules supply data to other modules. This gives the user the advantage of using dynamic modules that can be determined at run-time.

As per claims 30,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 9 and is similarly rejected.

As per claims 32,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 11 and is similarly rejected.

Response to Arguments

Applicant's arguments filed 4/24/06 have been fully considered but they are not persuasive.

In regards to amendments and comments on the 35 U.S.C. 101 non-statutory subject matter rejections, the Applicants' argument that results "can be stored" is not sufficient to overcome the non-statutory rejection.

In regards to the Applicant's arguments regarding the prior art rejection, the Office respectfully disagrees that Kucala (Publication Number 2001/0016853A1) does not teach or suggest dynamic links being used to identify data. Kucala teaches index fields and matching key contents, which suggests dynamic links because records typically contain keys (i.e. primary and foreign keys) which are dynamic links to other records. Kucala also teaches file systems (paragraph [0024]) and further discloses files within these file systems (paragraph [0017]) as the data sources. A file system typically consists of a table of filenames and links to their location on the storage medium, which also discloses dynamic links.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Jay Morrison
TC2100

Tim Vo
TC2100